

# The out-cryes of Oppressed Commons.

Directed to all the Rationall and understanding men in the Kingdome of England, and Dominion of Wales, (that have not resolved with themselves to be Vassells and Slaves, unto the lusts and wills of Tyrants.) From Licut. Col. *John Lilburne*, prerogative prisoner in the Tower of London, and *Richard Overton*, prerogative prisoner, in the infamous Gaole of Newgate. Febr. 1646.

Ier. 7. 8, 9, 10. Behold, yee trust in lying words, that cannot profit. Will yee steale, murder, and commit adultery, and swear falsely, and burne incense unto Baal, and walk after other Gods, whom yee know not, and come and stand before me in this house, which is called by my name, and say, we are delivered to doe all these abominations.

Verse 16. Therefore pray not for this people, neither lift up cry nor prayer for them, neither make intercession to me, for I will not heare thee.

Mat 23. 14. Woe unto you Scribes and Pharisee, Hypocrites: for yee devour widowes houses and for a pretence make long prayers, therefore you shall receive the greater damnation.

Holca 4. 2. 3. By swearing, and lying, and killing, and stealing, and committing adultery, they break out, and blood toucheth blood, therefore shall the land mourn.

The second Edition Corrected

**G**entle men, Anti-Magistrates we are not, but owne Magistracy as Gods Ordinance appointed for the good and well being of man kind. Rom. 13. 1. 2. 3. 4. 5, 6. Unto whose power and Authority, in all lawfull things, we both have, and are willing to stoop unto, but no further, neither doe we crave or desire any favour, privilege or benefit, but what is given unto us by the good, established, and just Lawes of England (which the Parliament solemnly, have often sworn to maintain, of which for our particulars, we have for many moneths been robd of, by the tyranny and usurpation of the Lords, (commonly called the House of Peeres) now sitting at Westminster, who have usurped, and contrary to the just and knowne Law of the Land, assumed unto themselves, (by the law of their owne wills) a power in criminall causes, to judge and commit us who are Commons, which by law they have no authority not in the least to doe, as appears in the 29. Chapter of *Magna Charta*, which expressly saith, "No freeman shall be taken or imprisoned, or bedisshid of his free-hold, or liberties, or free customes, or be out lawed, or exiled, or any other wise destroyed" nor we will not passe upon him, nor condemne him, "but by lawfull judgement of his Peers, or by the law of the Land. We will sell to no man, we will not deny nor deferre to any man either justice or right. And the 3. E. 1. 6. likewise expressly saith, "and that no City, Borough, nor towne, nor any man be amerced with out reasonable cause and according to the quantity of his trespass, that is to say, every free man saving his free hold. A Merchant saving his Merchandize, a Vill (9 H. 3. 14.) "Iain saving his waynages, and that by his or their Peers. Which 29. Chap. of *Magna Charta*, is exp ally by name confirmed in the Petition of Right, made in the third yeare of the present King Charles, which absolutely abolisheth all Lawe made



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made in derogation of the said just Law, which *Petition of Right*, and every clause therein contained, is expressly confirmed by this present Parliament, as appears by the statute that abolished the *Star Chamber*, and the statute, that abolished *Ship money*. And that learned man of the Law, *Sir Edward Coke*, in his exposition of *Magna Charta*, which booke is published to the publicke view of the Kingdome as law, by two speciall orders of the present House of Commons, as in the last pag. thereof you may read, who in his exposition of the 14. chap. of *Magna Charta*, 2. part institutes fol. 28. saith, that by Peers, is meant *Equalls*, and in fol. 29. he saith, "the generall devision of persons by the law of England is either one that is Noble, and in respect of his Nobility of the Lords House of Parliament, or one of the Commons of the Realm, and in respect thereof, of the House of Commons in Parliament, & as there be divers degrees of Nobility, as Dukes, Marquesses, Earles, Viscounts & Barons and yet all of them are comprehended within this word *PEERS*, so of the Commons of the Realme, there be Knights, Esquires, Gentle-men, Citizens, Yeomen and Burgeses of severall degrees, and yet all of them of the Commons, of the Realme, and as every of the Nobles is one, a *PEER* to another, though he be of a severall degree, so is it of the Commons, and as it hath been said of men, so doth it hold of noble women, either by birth or by marriage, but see hereof, chap. 29. And in his exposition of chap. 29. pag. *Item*, he saith "no man shall be disseised, that is, put out of seison, or dispossessed of his free-hold, (that is) lands or lively hood, or of his liberties, or free customes, that is, of such franchises, and freedmes, and free customes, as belong to him by his free birth-right, unless it be by the lawfull judgement, that is, verdict of his *EQVALS*. (that is, men of his owne condition) or by the law of the land, (that is to speake once for all) by the due course and proceesse of Law.

No man shall be in any sort destroyed (to destroy *i. e.*) what was first built and made, wholly to overthrow and pull downe, unless it be by the verdict of his *EQVALS*, or according to the Law of the land. And so saith he is the sentence, (neither will we passe upon him) to be understood, but by the judgement of his *PEERS*, that is *EQVALS*, or according to the Law of the Land, see him, fol. 48. upon this sentence; *pro iudicio parium suorum*, and pag. 50. hee saith it was enacted, that the Lords and Peers of this Realme, should not give judgement upon any but their Peers, and cites *Rot. Parl. 4. E. 3. Num. 6.* But the Roule is *4. E. 3. Num. 2.* in the case of *Sir Simon de Beresford*, in which the Lords doe ingeniously confesse, that it is contrary to Law, for them to passe judgement upon a Commoner, being they are not their Peers, that is *EQVALS*, which record at large you may read in *The oppressed mans oppressions declared*, Edition the second. pag. 18, 19 And also in part; in *Vox plebis*, pag. 40, 41.

So that by what hath been said, it cleerly, evidently, and undeniably appears by the Law of the Land, and the Lords owne confession, that they are not the Peers or Judges of Commoners in any criminall cases what soever. And we offer (at our utmost perill) before any legall power in England, to mainrain it by the knowne and declared Law of the Land, (which the Lords themselves, have solemnly covenanted and sworne to maintaine) that the Lords by the Law of England, have not in the least any Jurisdiction at all over any of the Commons of England in any criminall cases whatsoever. But if the studious and industrious Reader, please to read that notable and late printed booke, called *Regall tyranny discovered*, he shall find that the Author of that book in his 43, 44, 45, 46, 47, and 86. page, layes downe many strong and solid arguments, to prove "that the House of Lords, have not justly, neither judicative, nor legellative power at all in them; and in his 94, 95, 96, 97, 98. he declares from very sound and good authority, "that before William the Conqueror and invader, subdued the rights and priviledges of Parliaments, that the King and the Commons,



"Commons hold and kept Parliaments, without Temporall Lords, Bishops, or Abbots, the two last of which, viz. Bishops and Abbots he proves, had as true and good right to sit in Parliament, as any of the present Lords now sitting at *Westminster*, either now have, or ever had, yea, and out of the 20, 21, pages of that notable, and very useful to be knowne booke, called, *The manner of holding Parliaments in England*, before and since the conquest, &c. declares plainly, that in times by past, "there was neither Bishop, Earle, nor Baron, and yet even then the King of England kept Parliaments with their Commons only, and though since by INNOVATION, Earles and Barons, have been by the Kings prerogative Charters, (which of what legall or binding authority they are, you may fully read in the Lords and Commons Declaration this present Parliament summoned to sit in Parliament, yet notwithstanding the King may hold a Parliament, with the Commonalty, or Commons of the Kingdome, without Bishops, Earles and Barons, and saith Mr. William Prye, in the 1. part of his *Sovereign power of Parliaments*, pag. 43. (which booke is commanded to be printed by speciall authority, of the present House of Commons) out of Mr John Vowels *manner of holding Parliaments*, which is recorded in *Holingh; Cron. of Ireland*, fol. 127. 128. that in times by past the King and the Commons did make a full Parliament, which authority (saith hee) was never hitherto abridged. Yea, this present Parliament in their Declaration concerning the Treaty of Peace in *Yorkshire* 20. Septem. 1641. betwixt the Lord Fairfax, &c. and Mr. Bel-lasis, &c. booke decl. 1. part pag 628. doe declare, first that none of the parties to that agreement, had any authority by any act of theirs, to bind that countrey, to any such Neutrality, as is mentioned in that agreement, it being a peculiar and proper power and priviledge of Parliament, where the whole body of the Kingdome is represented to bind all or any part. And we say the body of the Kingdome, is represented only in the House of Commons, the Lords not being in the least chosen to represent any body at all, yea, and the House of Commons, calls their single order for the receiving of Pole-money, *May* 6. 1642. 1. part book decl pag. 178. *An Order of the House of Parliament*, yea, and by severall single orders, have acted in the greatest affaires of the Common wealth, sometimes against the wills and minds of the Lords, 1. part book decl. pag. 11. 121. 122, 305, 522, 526, 537, 546. 557. book decl. 2. part: pag 6, 7, 10, 11. 25. 29. 36. 37. 40. 41. 42. 45. 43; &c. see pag. 877, 878. 879.

And yet notwithstanding all this, the Lords like a company of forsworne men, (for they have often solemnly sworn to maintaine the Law) have by force and violence, indeavoured to their power, and contrary to law, to assume to themselves a judicative power over us, (who are Commons of England in criminall cases) and for refusing to stoop thereunto, have barbarously for many moneths tyrannized over us, with imprisonments, &c. And we according to the duty we owe to our native country, and to ourselves and ours, for the preservation of our selves, and the good and just declared lawes and liberties of England, and from keeping ourselves and our posterities, from vassalage and bondage, did thereupon according to law and iustice, appeale to the honourable House of Commons (as you may truly and largely read in divers and sundry bookes, published by us, and our friends) as the supreme and legall power and judicature in England, whom we did thinke and judge, had been chosen of purpose, by the free men of England to maintaine the fundamentall good lawes and liberties thereof, but to their everlasting shame (and the amazement of all that chose and bestrusted them) We are forced to speake it, we have not found any reall intentions in them, to performe unto us, the trust in that Particular reposed in them by the whole Kingdome, neither, have we any grounded cause to say (in truth) any otherwise of them, but that they are more studious and industrious unjustly in dividing hundred thousands of pounds of the Common wealths money amongst themselves, then in actually doing to us (in whom all and every the Commons of Eng-

land are concerned, for what by the wills of the Lords, is done to us to day, may be done to any Commoner of England to morrow) either justice or right, according to their duty, and their office sworn oaths, though we have not ceased continually to the utmost of our power, legally, and iustly to crave it at their hands, as you may fully read in our forementioned printed bookes. Sure we are; they tell us in their printed Declarations, that they are choisen and entrusted by the people, 1. part bok decl. pag. 171, 172. 263. 264, 266, 336, 340. 361, 459. 462. 508 588, 613, 628. 690. 703, 705, 711 714. 716. 724, 725. 729. And that to provide for their weale, but not for their woe, book decl. 1. part page 150. 81 382. 726. 728.

And they in their notable Declaration of the 2. Novemb. 1642. booke decl. 1. part pag. 700, expressly tell us, that all interests of publique trust is only for the publique good, and not for private advantages, nor to the prejudice of any mans particular interest, much lesse of the publique, and in the same page. they further say, that all interests of trust, is limited to such ends or uses, and may not be employed to any other, especially they that have any interests only to the use of others, (as they confesse all interests of trust are) cannot employ them to their owne, or any other use, then that for which they are intrusted, yea, and page 266. they tell the King, that the whole Kingdome it selfe is intrusted unto him for the good and safety and best advantage thereof, and as this trust is for the use of the Kingdome, so ought it to be managed by the advice of the House of Parliament, whom the Kingdome hath intrusted for that purpose, it being their duty to see it be discharged according to the condition, and true intent thereof, and as much as in them lyes, by all possible means to prevent the contrary. And in page 687. being answering a charge that the King laid upon them, which was, as they cite it, that we can doe him no wrong, because he is not capable of receiving any, and that we have taken nothing from him, because he never had any thing of his owne to lose, upon which they demand the question, and say, in what part of that Declaration (meaning theirs of the 26. May, 1642.) is this told the King in plain English, or by any good inference? unlesse it must needs follow, that because the King hath not a right of property in the Townes, Forts, Subjects, publique treasure and offices of the Kingdome, nor in the Kingdome it selfe to dispose of it at his pleasure, and for his owne private advantage, but only a trust for the

\* And we are sure, no more hath the Parliament, and yet they themselves dispose of the Common-wealthis money to themselves, for their own particular advantage, to the great detriment of those that chused and trusted them, for which they may as iustly question them as they have done the King.

"common good of himselfe and his Subjects" (as it is most cleare "he hath them no otherwise) that therefore he cannot have a proper "part in any of the Lands or goods, as Subjects have in theirs, and "yet it is a truth that the more publique any person is, the more interest the publique hath even in those things that belong to him as a "private man, in which regard the King hath not the like liberty, in "disposing of his owne person, or of the persons of his children (in "respect of the interest the Kingdome hath in them) as a private "man may have.

And therefore negatively in the second place, we are sure, that the House of Commons, by their owne Declarations, were never intentionally chosen and sent to Westminster to divide amongst themselves, the great offices and places of the Kingdome, and under pretence of them to make themselves rich and mighty men, with sucking and dividing among themselves, the vitall and heart blood of the Common wealth, (viz. its treasure) now lying not in a sound, but even a gasping for life and being, but let us see whether this and other of their late doings, be according to their former protestations, imprecations and just Declarations, which if they be not woe to them, for saith the spirit of God, Eccle. 5. 4. 5. when thou verwest a vow unto God

*defer not to pay it: for he hath no pleasure in foolcs, pay that which thou hast vowed. For better it is that thou shouldst not vow, then that thou shouldst vow and not pay, see Deut. 23. 21. 23. That which is gone out of thy lips, saith God, thou shalt keep and performe, Num. 30. 2. Psal. 76. 11. Job 22. 27. Eze. 17. 16, 17, 18, 19, Eze. 5. 4. 5. We find in their Declaration of the 5. May 1641. book de. 1. par p. 17. these words, *The Lords and Commons therefore intrusted with the safety of the Kingdome, and peace of the people (which they call God to witness is their only aime) finding themselves denyed these their so necessary and iust demands (about the Militia) and that they can never be discharged before God or man, if they should suffer the safety of the Kingdome, and peace of the people, to be exposed to the malice of the Malignant party, &c.* And in their Remonst. of the 19. of May, 1642. b. 10. del. 1 par. p. 19. they say, *but the providing for the publique peace, and the prosperity of all his Majesties Realmes: within the presence of the all seeing diety, we protest to have been, and still to be the only end of all our counsellis and indeavours, wherein we have resolved to continue freed and enlarged from all private aimes, personall respects or passions whatsoever.* But we with all our soules, they had intended, what they here declared, when they declared it, which is too much evident to every rational mans eyes, that they and knowes their practise, that they did not, or that if they did, that they have broken and falsified their words and promises, and in the same Remon. p. 214. speaking of those many difficulties they met with in the discharge of their places, and duty, they say, "Yet we doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded, with false and specious shewes, and so drawn to betray us to their owne undoing." "we have ever been willing to hazzard the undoing of our selves, that they might not be betrayed by our neglect of the trust reposed in us, but if it were possible, they should prevaile herein, yet we would not faile through Gods grace still to persist in our duties, and to looke beyond our owne lives, estates and advantages, as those who thinke nothing worth the enjoying, without the liberty, peace and safety of the Kingdome: nor any thing too good to be hazzarded in discharge of our consciences, for the obtaining of it, and shall alwayes repose our selves upon the protection of almighty God, which we are confident shall never be wanting to us, (while wee seek his glory) as we have found it hitherto, wonderfully going along with us, in all our proceedings. O golden words! unto the makers of which we desire to rehearse the 23. Mat. 27. Woe unto you Scribes, and Pharisees, Hypocrites, for yee are like unto whited Sepulchers, which indeed appeare beautiful outward, but are within full of dead mens bones, and of all uncleanness. And in their Remon. May. 26. 1642. p. 281. They declare, "that their indeavours for the preservation of the Lawes and liberties of England, have been most hearty and sincere, in which indeavour, say they, by the grace of God we will still persist though we should perish in the worke; which it it should be, it is much to be feared, that Religion, Lawes, liberties and Parliaments, will not be long lived after us: but saith Christ, Mat. 23. 23, 28. Woe unto you Scribes and Pharisees, Hypocrites for yee make cleane the outside of the cup, and of the platter, but within they are full of extortion and excess. Yee also appeare outwardly righteous unto men, but within yee are full of hypocrisie and iniquity. And in their Decla. of July, 1642. concerning the distractions of the Kingdome, &c. p. 463. 464. speaking of the businesse of Hull, they say, "the war being thus by his Majesty begun, the Lords and Commons in Parliament, held themselves bound in conscience to raise forces for the preservation of themselves, the peace of the Kingdome and protection of the Subjects in their persons and estates, according to Law, the defence and securite of Parliament, and of all those who have been employed by them in any publique service for these ends, and through Gods blessing, to disappoint the designs, and expectations, of those who have drawn his Majestie to these courses and Counsells, in favour of the Papists at home, the Rebels in Ireland, the forraign enemies, of our Religion and peace."*

"In the opposing of all which, they desire the concurrence of the well disposed Subjects of this Kingdome, and shall manifest by their courses and indeavours, that they are carried by no respects but of the publique good, which they will always prefer before their owne lives and fortunes. O that we might not too justly say! they are already false from their words.

And in their most notable Declaration of *August*, 1642. pag 498. being in great distresse they cry out in these words, "and we doe here require all those that have any sence of piety, honour or compassion, to helpe a distressed state, especially such as have taken the Protestation, and are bound in the same duty with us unto their God, their King and country, to come in to our aid and assistance, this being the true cause, for which we have raised an Army, under the command of the Earle of *Essex*, with whom in this quarrell wee will live and dye.

And in their answer to his Majesties messige of the 12 of *Nov* 1642. p 750. they have these words, *God who sees our innocency, and that we have no aimes, but at his glory and the publique good, &c.* O golden language, but without reall performance, as b it an execrable abomination in the sight of God, and all rationall men.

But when these Declarations and Promises were solemnly made, the Authors of them rooke it extreame ill at the hands of the King, when he told them they dissembled, and meerly fought themselves, and their owne honour and greatnesse, which he doth to the purpose in severall of his Declarations, but especially in his Declaration of the 12. *August*, 1642. pag. where speaking of the earnest desire he had to ease and satisfie his Subjects, he saith, *that whilst we were busie in providing for the publique, they were contriving particular advantages of offices and places for themselves, and made use underhand of the former grievances of the Subject, in things concerning Religion and Law, &c.* and in the next pag. speaking of their zeale against the Bishops, &c. He declares their designe, was but of their goodly revenue to erect Stipends to their owne Clergy, and to raise

\* See his notable estates to repaire their owne broken fortunes \*

Declaration, beginning, 2. part book decl. pa. 100. read pag. 447. 448. ibim.

And in the Same Remonstrance pag. 539. he declares, *that after many feares and icalousies were begun, they would suffer no meanes to compose it, but inflamed the people, because (he saith) they knew they should not only be disappointed of the places, offices, honours, and employments they had promised themselves, but be exposed to the justice of the law, and the just hatred of all good men.*

All which they in their ancient and primitive declarations disdaine, as most dishonourable to be fixed upon them, or supposed ever intently to be acted by them, especially so visibly that any should be able to see it, and therefore in their 3. Remonstrance, book decl. 1. part pag. 164. "they labour to perswade the people not to destroy themselves, by taking their lives, liberties, and estates out of their hands, whom they have chosen and entrusted therewith, and resigne them up to some evill Counsellours about his Majestie, who (they say) are the men that would perswade the people, that both Houses of Parliament contraining all the Peers, and representing all the Commons of England, would destroy the Laws of the Land, and liberties of the People, wherein besides the trust of the whole, they themselves in their owne particular, have so great an interest of honour and estate, that we hope it will gaine little credit with any, that have the least use of reason, that such as have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time, and run so many hazzards to make themselves slaves, and to destroy the property of their estates. But we say in the bitterness of our soules, O that their actions

and

and dealings with us, and many other free men of England, had not given too just and groundless cause to judge that the forementioned charge of the King, was righteous, just, and true upon them, and which if their owne consciences were not feared with hot Irons, and so past feeling, would tell them with horror \*that he spoake the truth.

\* Numb. 30. 2.  
Deut. 23. 12. 23.  
Zach. 5. 4. 5.

*\* If so then as Samuel said to Saul, 2 Sam. 15. 14. What meanest thou this bleating of the sheep in my eares, and the lowing of the Oxen which I beare.]*

*\* Out of thy own mouth will I iudge thee, Luke 19. 22. for if this diffinition of tyranny, be true we are very sure we are under it.*

*\* We say no more but wish you had not.*

*\* No not so, for you have a power to carve for your selves which you doe.*

*\* See 2 part of b. decl. pag. 696.*

And therefore to conclude this, we desire to informe you, that in severall of their Declarations, they declare and professe, they "will maintaine what they have sworne in their protestations, the which if you please to read, you shall find there amongst other things, "that they have sworne solemnly to maintaine the lawfull rights and liberties of the Subject, and every person whatsoever, that shall lawfully in deavour the preservation thereof and therefore book dec. 2. part pag. 497. they solemnly imprecate the judgements of God to "fall upon them, if they performe not their vowes, \* promises and duties; and say woe to

*\* Which undoubtedly will, if the*

And in the forementioned most notable Declaration, pag. 494. one of the principall things they complaine of against the King, and his evill Counsellors is, "that they endeavour to possesse the people "that the Parliament will take away the law, and introduce an arbitrary Government; a thing (say they) which every honest morall man abhors, much more the wisdom; justice, and piety of the "two Houses of Parliament, "and in truth such a charge as no rational man can beleieve it, it being impossible so many severall persons, as the Houses of Parliament consists of about 600. and in either House of equall power shall all of them, or at least the Major "part, agree in acts of will and tyranny, which make up an arbitrary "government, "and most improbable, that the nobility and chiefe "gentry of this Kingdome, should conspire to take away the Law, by "which they enjoy their estates, are protected from any act of violence, and power; and differenced from the meaner sort of people, with whom otherwise they should be but fellow servants.

And when they come to answer the Kings maine charge, laid to them, in his Declaration, in answer to theirs of the 26. of May, 1642. they say, book decl. pag. 694. "As for that concerning our "inclination to be slaves, it is affirmed, that his Majesty said nothing "which might imply any such inclination in us, but sure, what ever "be our inclination, slavery would be our condition, if we should "goe about to overthrow the Lawes of the Land, \*and the propriety of every mans estate, and the liberty of his person. For therein we must needs be as much patients as agents, and must every one in "his turne suffer our selves, whatsoever we should impose upon others, we have refused to doe or suffer our selves, and that in a high "proportion. But there is a strong and vehement presumption, that "we affect to be tyrants, and why, it is that? because we will admit no "rule to governe by but our owne wills: \* But we with the charge "might not too truly be laid upon you. For our parts, we aver, we feeble the insupportable weight of it upon both our shoulders.

"us if we doe it not, at least doe our utmost in deavours in it, for the discharge of our duties, and the saving of our soules, and leave the successe to God Almighty.

Now







our owne braines, and all the friends and interests we had about London could furnish us with, and when they failed us, God himselfe raised us up divers friends in the Country of our fellow Commons who made our oppressions their owne, and of their selves, before we knew any thing, were about framing a Petition in our behalfe, which as soone as we knew it, we could not chuse but looke upon it (as to us) in the nature of a resurrection from the dead, who we have too just cause to thinke were buried alive, and swallowed up quick in the Canniball breast and mawes, of the man eating and devouring House of Lords. And therefore as *Paul* in the like case said in the 2 Tim. 1. 16. 17. 18. *The Lord give mercy unto the house of Onesiphorus, for he hath oft refreshed me, and was not ashamed of my chain: But when I was at Rome, he sought me out very diligently, and found me. The Lord grant unto him, that he may find mercy of the Lord in that day.*

Even so say we in the enlargednesse of our soules, the Lord give mercy to the honest, man-like, and Saint-like Inhabitants of *Buckingham-shire*: and *Hartford-shire*, for they have greatly and extraordinarily refreshed us, and were not ashamed of our chains and bonds for the libertys of their Country, and when they were in London sought us out very diligently and found us, and not only so, but the greatest part of ten thousand of them, as we understand subscribed a Petition for us, to the House of Commons, to desire them, according to their duty, to deliver us out of the devouring Pawes, of the tyrannicall House of Lords, and to free us from their arbitrary and illegall power, and divers hundreds, of them at their own costs and charges, through much underhand opposition, came to the Cities of *London* and *Westminster*, about or upon the 10. Feb. 1646. but not finding speedy and free access to the House of Commons with their Petition, according to their just expectation, their owne primitive practice, and publicly declared duty: in which regard they left behind them 6. of themselves, as Commissioners for all the rest, to improve their utmost interest to get their Petition to be delivered and read in the House, and gave unto them instructions in writing to explaine some things in the Petition, in case they were called into the House, and then to give a perfect account unto them, what was done about their Petition: but their Commissioners waited with all diligence upon the House, till the 17. or 18. of Feb. 1646. and improved (as we credibly understand) all their interest in all or the most of their own Knights and Burgesses, &c. but could not by all the meanes, they could use get their Petition read in the House, the reason of which we are not able to render, unless it be that the Peoples chosen trustees of the House of Commons, are resolved to betray their trust, and to sacrifice the lives, liberties, and properties, of all the Commons of England, to the mercilesse tyrannie, and barbarous cruelty of the House of Lords, Oh COMMONS of England, awake, awake, and looke seriously and carefully about you, before you be made at sutable vassells and slaves, unto the lusts and wills of those that you have preserve alive with your blood and treasure from whom yee deserve better then you find, or are likely to enjoy.

The Lord grant unto the foresaid men of *Buckingham-shire* and *Hartford-shire*, that they may find mercy of the Lord in the day of their account, and the Lord God grant that their spirits may not faint, flag, nor be weary, but that they may renew their strength, and double and triple their Petition, with all importunity, and sollicit all their neighbouring Counties to joyn with them, and never give over till they have made them and their posteritie free from the bondage of the Lords, and shakt of all arbitrary power what ever. And the Lord God of Heaven raise up heroically the spirit of all their fellow Commons in all the Counties of England to second them and joyne with them, in that legall, just and righteous worke they have begun, and to glue and knit their hearts and soules together, as *Jonatan* and *Dauids* was, that they may never part nor be divided, till they have accomplished the

just enterprife, and the good Lord; require all their kindnesſes and labour of love, manifeſted unto us poore afflicted and greatly diſtreſſed priſoners ſeven fold, into their owne bowels, Amen Amen.

But now in regard our friends, nor their Commiſſioners cannot get their Petition to be delivered, in which regard they have all left the City and Parliament, as diſparing in obtaining their juſt end at the preſent, and are gone downe into the Countrey, truly to acquaint the reſt of their friends, how they have been dealt with, we judge it our duty, and that we are ſo much bound to our ſelves, and the whole Kingdome: (though we muſt truly confeſſe, that at we have no ſuch Commiſſion from the Petitioners nor their Commiſſioners) as to publiſh a true Copy of their Petition and inſtructions, which thus followeth.

To the right Honourable, the beſt ruſted Knights, Citizens, and Burgeſſes  
in the Commons Houſe of Parliament ( Englands  
legall, Sovereign power, Aſſembled.)

*The humble Petition of the Inhabitants of Buckingham ſhire, and Hartford-ſhire, &c.  
whoſe Names are hereunto ſubſcribed.*

HYMBLY SHEWETH.

**T**Hat your Petitioners, and the reſt of the free-men of England, before the beginning of this *Parliament*, being almoſt deſtroyed of their Lawes, Libertyes, and Freedoms, by the arbitrary machinations, poliſtick deſignes, and praſtiſes of the Patentees, Monopolizers, and of other arbitrary ſupplanters and Agents, which laboured to ſubvert the Fundamentall Conſtitutions of this Realme, and to ſet up a tyrannicall Government, tending to the utter vaſſalage and overthrow of all the free people of this Kingdome, together with their Naturall, Nationall, and Legall Rights and Libertyes, God putting into our hands, an opportunity to free our ſelves from thoſe tyrannies and oppreſſions; We, for our better weal and happineſſe, choſe and beſt ruſted your Honours for the ſame end and purpoſe; and to that end we have elected, inveſted, and beſt ruſted you with our indubitable and naturall power and Birth-rights, for the juſt and legal removall of our Nationall evils; In the expectation whereof, we have waited ever ſince, your firſt ſitting continually and cheerfully aſſiſting you, with our lives, perſons, and eſtates, being much encouraged thereto by the ſeverall proteſtations, and Declarations, wherein you have ſolemnly proteſted before the great God of Heaven and Earth, and to the whole world declared your upright and well grounded reſolutions, to vindicate the juſt liberties, of every Free-borne Engliſhman, without exception.

Now therefore, our moſt humble request unto your honours is, that you would (according to your duties, and the great truſt reſpoſed in you) take into your conſideration, the ſlavish condition, that we the free people of England are yet ſubject unto, by reaſon of thoſe arbitrary praſtiſes that are ſtill continued, acted, and perpetrated upon us by ſome prerogative men of this Kingdome; whom we humbly conceive, have no power over our bodies or eſtates they being not *Elected* thereunto by the free men of England; and therefore may not commit our bodies to priſon (contrary to the fundamentall lawes, of this Kingdome) as we ſuppoſe hath been done to ſome of the free men of this Kingdome without producing any Legall Authoritie, that your Petitioners can here of; for what they did. Wherefore your Petitioners moſt humble deſire is that you would according to the reſpective Appeals

of

of the said free Subjects unto this Supream House, be pleased to take their cause into the legall Iudgement, and speedie determination of this House, as the whole matter thereof shall be reported unto you, *by the honourable Committee, for consideration of the Commons Liberties*, who have their whole manner of the proceedings against them, together with their respective defences ready to represent unto your honours, and to grant unto them your indubitable justice (according to their late Petitionary, and still constant desires) whereby they may receive the sentence of this House, either for their present justification, or condemnation; that they may not be ruined and undone by an arbitrary and unjustifiable Imprisonment. And if that, through the urgent affaires of the Kingdome, your occasions will not afford you so much time, as to consider and expediate their businesse at present: Our humble request is that you would by an order from this House, forthwith set them free out of prison; they giving legall security for their future forth coming, untill such time as time as your honours shall be pleased to hand out to them full and effectuall justice. And that you would be pleased, in case the principall informers and Actors be found guilty, to grant them full and ample reparations according to the Law of the Land. And further, that you would take care for the time to come, to free us and our children from the feare and prejudice of the like Arbitrary and Prerogative proceedings, according to your late promise in your most just declaration of the 17. of *Aprill 1646*. And your Petitioners as in duty bound shall ever pray, &c.

*Instructions agreed upon as the sence of the Petitioners of Buckinghamshire and Hartfordshire.*

First, the persons imprisoned, *Lieu. Col. John Lilburne, Mr. Overton, his wife and Brother, Mr. Larners Brother and Maid, &c.*

Secondly, by prerogative men, we mean such as sit to try Commoners, and are not elected by the free choice of the People, (*viz. the House of Lords.*)

Thirdly, By Arbitrary practises, we meane such as are contrary to the Law of the Kingdome.

As first, for any persons to try those that are not their Peers or Equals: witness *Magna Charta. C. 29 3. Ed. 1. 6.* Sir *Edward Coikes* exposition of the 14. and 19. C. of *Magna Charta*, &c. (as the House of Lords have done some, and would have done all the above mentioned.)

Secondly, For any to imprison men for not answering to Interrogatories in Criminall Causes,

Wee must professe to all the world, we are in an amazement, and almost at a stand, when we consider that the House of Commons, *who are chosen and betruſted by the people for no other end in the world, but to maintaine, preserve and defend their Lawes and liberties, and to redresse their mischiefs and grievances, and to provide for their earthly happinesse and well-being* *booke decl. 1. part. pag. 150.* which they have so often sworne, vowed, protested, and declared to doe, that they should be so negligent in performing their trust and duty, and making good their Oathes, and Vowes, in not doing us justice and right, according to the Lawes of the Kingdome, (who have legally and formally, long since appealed to them for that end,) but suffer before their faces, the tyrannicall House of Lords, arbitrarily and illegally to destroy us; and to tread and trample vnder their feet, the lawes and liberties, of all the Commons of England, and so by consequence make us all Vassells and Slaves, to their tyrannicall lusts and wills.

But considering that by natures principall, we are bound to the utmost of our power to preserve our selves, and to leave no wayes and meanes unattempted that tends thereunto, we cannot yet sit still, but goe on, and the rather because our Iudges to whom we have appealed to for justice, tell us in their Declaration of the 19. May 1641. 1 part book. decl. pag. 207. *That this law is as old as the Kingdome. That the Kingdome must not be without a meanes to preserve it selfe,* the ground and reason of which Law, extends to the benefit of every particular individuall man in the Kingdome, whose destruction, contrary to the law of the Land is indeavoured by those that should preserve them, which is our case, as well as it was theirs, (in reference to the King) with whom we have to doe, and therefore we desire for the satisfving of all to whom this is directed, to declare out of their owne Declarations, their arguments against the King, when he ceased (as they say, pag. 580, 636.) *to extend his legall protecti on and justice to them* ; but this by the way, we must aver, that we are very confident the King is ten times more fortified, and hedged about with the Law of the Kingdome, then they are. Which we demonstrate thus, they are all as they call themselves, Subjects, and therefore though their priviledges be great, as they are Parliament men, yet they are (or at least ought to be) by their owne confession, subject to the severity of the Law, in cases of treason, felony and breach of the peace, 1 part book decl. pag. 48. 278. which is also averred by that able and learned Lawyer, Sir Edward Cockin in his 2. par inst. chap of the bigb Court of Parliament, fol. 25. which booke is published by their owne specciall Order, but we read not in any of their Declarations, that they themselves aver any such thing of the King.

And therefore if by themselves, their arguments be esteemed just and sound against him for not doing his duty (who is much more fortified by law then themselves) then much more when they cease to doe their duty, and in practise destroy the lawes and liberties of the Kingdome, and subje ct the free men thereof to an Arbitrary and tyrannicall power, (which we aver they have done us) will their owne arguments serve and be found and good against themselves.

Therefore we desire to declare unto you, that when they apprehended themselves in danger, they sent unto His Majestie the 31. Decem. 1641. book decl. 1 part pag. 44. and desire him that they may have a guard, in which message they have these words. *They have therefore their recourse unto your Maiestie, most humbly beseeching you, that if it may stand with your good liking, if they provide for their owne safety, which the very Law of nature \* and reason doth allow unto them, it is their humble desire, that they may have a guard out*  
 \* Mark it of the City of London, commanded by the Earle of Essex, Lord Chamberlaine of your well. *Maiesties house-hold, of whose fidelity to your Maiestie and the Common wealth, they have had large experience.*

And in their Petition to his Maiestie about the Militia: 1. March 1641. book decl. 1. part pag. 92, 93, 94. after they have told his Maiestie what danger they are in, for want of seeing the Militia, they use these very words *wherefore they are informed in all Humility to proce ss, that if your Maiestie shall persist in that denyall, the dangers and discompe rs of the Kingdome are such, as will indure no longer delay. But unless you shall be graciously pleased to assure them by these messengers, that you will speedily apply your royall assent to the satisfaction of their former desires, they shall be informed, for the safety of your Maiestie and your Kingdomes, to dispose of the Militia, by the authority of both Houses, in such manner as hath been propounded to your Maiestie: and they resolve to doe it accordingly.*

And a little below, they beseech his Maiestie to be informed by them, that by the Lawes of the Kingdome, the power of raising, ordering, and disposing of the Militia, within any City, Towne

or other place, cannot be granted to any Corporation by Charter, or otherwise, without the authority and consent of \* Parliament: and that those parts of the Kingdome which have put themselves into a posture of defence against the Common danger have therein done nothing but according to the Declaration and direction of both Houses, and what is iustificable by the Lawes of the Kingdome.

And in their Declaration of the 19. May. 1642. pag. 202 they say, we must maintain the ground of our fears, to be of this moment, that we cannot discharge the trust and duty which lyes upon us, unlesse we doe apply our selves to the use of those meanes, to which the Law hath enabled us in cases of this nature, (viz. to settle the Militia without, and against his consent) for the necessary defence of the Kingdome, and as his Majesty doth gratingly declare, the Law shall be the measure of his power, so doe we most beavritly profess, that we shall alwayes make it the rule of our obedience.

But O say wee ! that you had not now forfeited all your credit by notoriously violating your never intended to be kept promises.

And in their Petition to the King about the businesse of Hull, pag. 465. 466. they say we shall be ready to settle the Militia, in such way, as shall be honourable and safe for your Majesty, most agreeable to the duty of Parliament, and effectuall for the good of the Kingdome, that the strength thereof be not employed against it selfe. And we say, we wish it may not, to the setting up of a tyranny of another nature, but worse then the former we groined under. But we goon to their answer of the Kings positions, which answer is annexed to their great Declaration of the 2. No. 1642. where in the third answer pag. 726. they say, that we did and doe say, that a Parliament may dispose of any thing, wherein the King or any Subject hath a right, in such way as that the Kingdome may not be in danger thereby, and that if the King, being humbly sought unto by his Parliament, shall refuse to comply with them in such cases, the representative body of the Kingdome is not to sit still, and see the Kingdome perish before their eyes, and of this danger they are Judges. Here may be an excellent argument drawn from the greater to the less, which will undeniably hold good against the Arbitrary and illegal practices of the Parliament, which we in our particulars groane under.

Now all these things considered, we hope it cannot be justly taken ill at our hands by the Parliament, nor by any rationall or understanding man in the Kingdome, though never so much devoted unto impicite, and blind Presbyterian, Synodian obedience, if we for our preservation shall tread in the Parliament steps, by appealing to the People against them, as they did against the King, especially considering they dealt worse with us then ever he dealt with them, for he did not actually imprison their bodie, and thereby rob them of their liberties, trades, livelihoods, and subsistence, and allow them nothing to live upon, and expose their whole families, (to the eye of reason to) an unavoidable, famishing and perishing condition; all and every of which, contrary to the law of the Land, justice, reason and conscience) they have actually with a great deale of Barbarous cruelty done to us, and like deafe Adders stop their eares against all our just cries and Petitions, and are worse then the unrighteous judge, whom no importunity will overcome, and will neither by the law of the land try us, nor allow us, as by law they ought, meanes to live upon, but keep us contrary to all law, equitie, justice, reason and conscience, in prison, to murder and destroy us, and wives and young infants. Oh ! thou righteous and just Iudge of all the world, arise, arise, and for thy owne glorious name sake, make bare and naked thy owne soveraign and almighty arme of justice, and visibly to the view of men, doe justice betwixt us, and punish in thine indignation, those of them or us, where the true and just cause of offence and guilt lyes.



lyes in this particular controversie berwixt us; Oh thou that stillest thy selfe to be a God hearing prayer, and that heares the sighs and groanes of thy distressed ones, heare in Heaven and answer this supplication speedily for thy names sake.

But before we doe solemnly, seriously and *actually* appeale to the people, as of necessity, if by them we cannot enjoy justice and right, and the benefit of the known and untrepealed lawes of the land which is all we crave or desire; (*we both must and will*: cost it hanging or burning or whatever it will) we desire from their owne words to make our way plaine before hand, and the more to leave them without excuse before God, and all our fellow Commons of England. *seeing skin for skin, and all that a man hath, will be give for his life, Job 2.*

And therefore in the first place, we must profess in their owne words, in their declaration to the States of Holland; pag 647, *that we have no other designe in the world, but not to be destroyed, and save our selves. Lives, Liberties and freedoms*, and let them not say, if we should formally appeale to the people, that we maliciously endeavour to dissolve the whole frame and constitution of the civill policy and government of this Kingdome, *into the originall Law of nature*, by arrainging and condemning before the people, the High Court of Parliament, from whence legally there can be no appeale, we doe truly confesse (and owne) the Honourable House of Commons, (whose just interest we honour with all our hearts) to be to us the legall supreme power in the Kingdome. from whom we conceive in law we have no higher appeale, but if the house of Commons will not doe us iustice and right, *and so discharge their trust and duty*, but suffer the Lords contrary to the Law of the Land (*which they have sworne to maintaine*) to murder and destroy us, our wives and children, and by consequence the liberty of all the Commons of England, we cannot nor dare not, *for feare of being traitorous and felonious to our selves*, sit still and willingly suffer our selves contrary to the good and just Lawes and constitutions of the Kingdome to be destroyed by the Lords; who in Law have no more power to commit our bodies to prison (being Commoners,) then we have to commit theirs.

Therefore, it is not we, but they themselves, that dissolve the legall frame and constitution of the civill policy and government of the Kingdome by suffering will and lust, but not law, to rule and governe us, and so reduce us into the originall Law of nature, for every man to preserve and defend himselfe the best he can, and therefore it must be so (for so it is) we in their owne words pag 690. *say in Gods name let the people iudge every man within his owne breast*, whether they or we are most guilty of the foresaid charge.

But we come to their owne words in their appealing to the people, and craving their aid and assistance to helpe to preserve them, against those that (they say) contrary to Law would have destroyed them, and we shall begin in the first place with the protestation which they made and tooke the 3. of May 1641. and by an Order of the 5. May 1641. give their approbation to the taking it by any Commoner of England. In the preamble of which, they spend much time to demonstrate, *that there have bene and still is a strong endeavour by a malignant party to subvert the fundamentall Lawes of England, &c.* And to introduce the exercise of an arbitrary and tyrannicall government, and therefore they sweare and protest, *they will maintaine the lawfull rights and liberties of the Subject, and every person that maketh this protestation, in what soever he shall doe in the lawfull pursuance of the same. And to my power, and as far as lawfully I may, I will oppose and by all good wayes and means endeavour to bring to condigne Punishment all such, whether Lords or Members of the House of Commons without exception) as shall, either by force, practice, counsels, plots, conspiracies, do any thing to the contrary, and by their Voe of the 30. of June, 1641. They say, that what person soe-*



ver that will not take this protestation, is unfit to beare office in the Church or Common Wealth.

Now let us see what use they make of this protestation against the King, and we shall find in the first part book decl. p. 19, 191. The vote of the House of Commons in these words, *Resolved upon the Question.*

"That this house doth declare, that if any person whatsoever shall arrest, or imprison the persons of the Lords and Gentlemen, or any of them: or any other of the Members of either house of Parliament, that shall be employed in the service of both houses of Parliament, or shall offer violence to them, or any of them, for doing any thing in pursuance of the commands or instructions of both Houses, shall be held disturbers of the proceedings

\* *Marke it well yee* "sons" are bound by their Protestation to endeavour to bring them  
*Commons of Eng-* "to condigne punishment. Another Order of the selfe same effect you  
*land.* "may read pag 156. made by them 26 April 1642."

And in their Declaration of 26 May 1642. pag. 278. speaking of the Kings proclaiming Sir John Herbert a Traytor, without due process of Law, they declare it not only a breach of the privilege of Parliament, but a subversion of the Subjecs common right, yea, and such a breach of the Privilege of Parliament, as that the very being thereof depends upon it: and therefore (say they) we no wayes doubt, but every one that hath taken the Protestation, will according to his solemn Vow and Oath defend it with his life and fortunes.

And in their Declaration of the 19 May 1642. pag. 214 speaking of the many difficulties that they are forced to encounter with in the discharge of their duty to the Kingdome, they say, "yet we doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded with false and specious shewes, and so drawne to betray us to their owne undoing, who have ever been willing to hazzard the undoing of our selves, than they might not be betrayed by our neglect of the guilt repced in us."

And in their smart declaration of the beginning of August 1642. pag. 496, replying unto his Majesties Answers to their propositions, they say, "And having received so sharp a returne such expressions of bitterness, a justification and a vowed protection of Delinquents from the hand of Justice, Demands of so apparent dangers, such manifestations of an intention to destroy us, and with us the whole Kingdome, (and this most cleerly evidenced by their subsequent actions, even since these propositions have been made unto us from his Majestie, over running severall Countreies, compelling the Trained Bands by force to come in and joyne with them, or disarming them, and putting their armes into the hands of leud and desperate persons, thereby turning the Armes of the Kingdome against it selfe) it be not fit for us, not only not to yeeld to what is required, but also to make farther provision, for the preservation of our selves, and of those who have sent us

\* *That we absolutely deny, and therefore if the blind lead the blind they must needs fall both into the ditch.*

"hither and intrusted us with all they have, Estates liberty and life, and that which is the life of their lives, their Religion, and even for the safety of the Kings person now environed by those who carrie him upon his owne ruine, and the destruction of all his people: At least to give them warning, that still this is in danger: That if the King may force this Parliament they may bid farewell to all Parliaments, from ever receiving good by them, and if Parliaments be lost, they are lost; their Lawes are lost, as well as those lately made, as in former times, all which will be cut

in further, with the same sword now drawn for the destruction of this Parliament. Then if they will not come to helpe the Parliament, and save themselves, though both they and we must perish, yet have we discharged our conscience, and delivered our soules, and will looke for a reward in Heaven, should we be so ill requited upon Earth, by those of whom we have deserved; which we cannot feare, having found upon all occasions, such breast demonstrations, of their love and affection, and of their right understanding and apprehension of our and their common dangers.

And in their large Declaration of the 1. Novemb. 1641. pag. 699 speaking of his Majesties charge in his Declaration, where he compares them to the Anabaptists mentioned in Mr. Hookers booke, they say, if ever God shall discover the foule Authors of so false a calumny, we doubt not but the King some (that is the universallity of the people) will be very sensible of it, and esteeme that they can never doe themselves right,

\* And if the people should doe themselves right, what should become of the Earle of Manchester, old Sir Henry Paixe, Mr. Barwitt, &c. for visibly betraying their severall trusts. See Englands Birth-Right, and in John Musgraves booke, &c.

\* but by bringing to condigne punishment, such persons as could find in their hearts to lay so vile an aspersion upon the Parliament, a name that alwayes hath, and we hope alwayes shall be of so great honour and reverence within this Kingdome.

And in the same Declaration, pag. 728. answering his Majesties charge fixed upon them, of designing the ruine not only of his Majesties person, but of Monarchy it selfe; And we appeale to all the world, (say they) whether worse words then these can be given us? And whether we may not justly expect the worst actions that the malice and power of the Malignant party about his Majestie can produce? And whether it be not high time for us to stand upon our defence, which nature teacheth every man to provide for, and this Kingdome unlesse it be very unnaturall, and unkindfull of it selfe, cannot but afford to them whom it hath intrusted and by whom it is represented.

\* Above all here expressed take speciall notice of this undeniable and avowed principall.

Now from all the forementioned authorities, and arguments of the Parliaments owne Declarations, we draw these conclusions (which naturally flow from them) first that all Majesteriall Power in England whatever, are but Offices of trust, and bound up with this limitation, to be executed for the good of the trusters.

Secondly that it is possible, that all or any, of the severall Majesteriall trustees may forfeit their, or its trust.

Thirdly that in case of Forfeiting the Majestycall trust, the trusters (the people) are disobliged from their obedience and subjection, and may lawfully doe the best they can for their owne preservation; but if what hath beene said, be not fully cleare out of all doubt to prove the foresaid deductions. We will only ad two more proofs at present of there own Authorities which will put them all out of dispute the first is out of a late sheet of paper, newly Printed according to Order of Parliaments Intituled King James his Opinion and Judgement concerning a Real King and a Tirant, extracted out of his owne speech to the Lords and Commons in Parliament at White-Hall. 1609.

A King (saith King James) in a sealed Kingdom, binds himselfe to a double oath, to the observation of the fundamentall Lawes of his Kingdome, tacitly, as by being a King, and so bound to perfect, as well the People, as the Law of his Kingdome, and expressly by his oath at his Coronation. So as every just King in a sealed Kingdom is bound to observe that Position (or Covenant) made to his people by his lawes, in framing his government agreeable therunto, according to that

that passion made with Noah, after the deluge (Gen. 9. 11.) therefore a King governing in a settled Kingdom, leaves to be a King, and degenerates into a Tyrant, as soon as he leaves of to rule according to his lawes; therefore all Kings that are not Tyrants or perjur'd, will be glad to bound themselves within the Limits of their Lawes, and they that perswade them the contrary, are Vipers & Pests both against them & the Common wealth, but far King Lawes; out of which the Author of that sheet drawes nine inferences or conclusions, the first of which is in these words. That a King governing in a settled Kingdom as the Kingdom of England is, leaves to be a King, so soon as he leaves of and failes to rule according to his Lawes. And so leaving of to be a King, the government on his part is infringed, so as the people are no longer his subjects to obey him in his lawlesse government then he is, their King governing them according to his Lawes, to the same effect is his first conclusion, and in the last end of the seventh, he hath these words. That if Kings cease to be Kings, setting up an absolute tyranny over the People, to govern them no longer by the Lawes as free borne liege People, but lawlesly as vassells and slaves, then on the other side the people leaving to be subjects, doe owe them no more obedience, as being none of their Kings, but as usurping tyrants. For as a King turning Tyrant, practising tyranny under the name of prerogative, hath broken the bonds of the Kingdom; so the subjects owe him no more duty of liege people, except they will avow themselves his Slaves, and so betrayers of their own and the publique liberties, which ought to be more precious unto them then their lives and lands. Again 8 a King so degenerating into a Tyrant is by the verdict of K. James departed and perjur'd man & perjur'd men as they are odious to God, so they bring an execration upon a land, 2a. 5. 3. 4. and if so then say we, wo, wo, wo, unto poore England, by reason of the perjuries or forswearing of the dissembling Lords and Commons at Westminster, that have laid aside the Law, and troden under their feet, the liberties of England. And the unreverend Dissembly of Divines, that rob Iesus Christ of his honour and glory, by jussling him out of his regallity and Kingship given unto him by his Father, and yet take oathes themselves, and force other men to doe so too, to maintaine the Lawe, and liberties of the Kingdom, and to set up an Ecclesiasticall Church government according to the word of God, and yet set up nothing but a spirituall and temporall tyranny, and with a high hand indeavour the destruction of every man, that indeavours to keep them close to their violated oaths and Covenants, therefore whatsoever the author of the forementioned discourse avers of a King, when he seeks to governe according to his lawes, the same doe we aver of a Parliament, and Parliament men, that when they cease to execute the end of their trust, which is as themselves say, to provide for the peoples weales, but not for their woes, and doe merely indeavour to make themselves tyrants over the people, to governe them not by the established lawes, but by their lusts and wills they doe thereby make the people their vassells, and slaves, (as much as in them lyes) and thereby disoblidge the people to obey, stoop or submit, to any of their commands, but in the eye of God and all rationall men, may as justly resist and withstand them, and by force of Armes defend themselves against them, (as a company of forsworne men that have forfeited their Majesterial trusts, and are degenerated into the habits of tyrants) as they withstood, and by force of armes defended themselves against the King, for the further proofe of which in the second place, read their owne words 1. par. b. dec. pag. 156. which thus followes.

"For it cannot be supposed that the Parliament would ever by Law intrust the King, with the Militia, against themselves, or the Common wealth, that in trusts them to provide for their weale, nor for their woe so that when there is certain appearance or grounded suspicion, that the letter of the law shall be improved, against the equity of it (that is, the publique good, whether of the body reall or representative) then the commander going against

Equity gives liberty to the commanded to refuse obedience to the letter, for the Law taken a strict from its original reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soule. It is the execution of Lawes according to their equity and reason, which (as I may say) is the spirit that gives life to authority, the letter kills. Nor need this equity be expressed in the law, being so naturally implied and supposed in all Lawes that are not merely imperiall, from that analogie which all bodies possesse hold with the naturall, whence all government and governo<sup>r</sup> borrow a proportionable respect, and therefore when the Militia of an Army is committed to the Generall, it is not with an expresse condition, that he shall not turne the mouthes of his Cannon against his own Soldiers, for that is so naturally and necessarily implied, that it is needfull to be expresse, in so much as if he did attempt, or command such a thing against the nature of his trust and place, it did *ipso facto* estate the Army in a right of disobedience, except we thinke that obedience binds men to cut their owne throat, or at least their companions.

We shall at present leave the application to them whom it most concerne, and wait as patiently as we can to see the operation of it, which if it be not according to our expectation, we shall be necessitated to put some stronger pills into the next, and so at present conclude and rest.

*From our Prerogative Captivity. (for the Lawes and the publique liberties of all the Commons of England, against the tyranny and usurpation of the House of Peers) in the prisons of the Tower of London, and Newgate this last of Februa<sup>r</sup> 1646.*

*Your faithfull and true Countrymen, though commonly (by the Scribes and Pharisees, Hypocrites of our present age) called Heretiques and Schismaticques, and Movers of sedition.*

*John Lilburn. Richard Overton.*

*The publisher to the Reader.*

Courteous Reader having here some spare roomes, I judge it convenient to fill it up with a notable petition delivered to the House of Commons, the 1. of March 1645. by young men, whose zeale and forwardnesse for their Countrys good, may be a shame to all the old men in the City, the Petition it selfe thus followeth.

*To the High and Honourable the Knights, Citizens, and Burgeses, in the supreme Court of Parliament assembled, The Petition of divers Young men and Apprentices of the City of London, humbly.*

*Sheweth,*

**T**Hat out of the grounded confidence we have of the readinesse of this Honourable House, to heare and repaire the grievances of all those for whose well fare you were choien and entrusted to take care and provide; and being incouraged unto the same, by severall good \* Ordinances and Declarations, of your owne to that purpose.

\* A Declarat. May 19. 1643. Remons<sup>t</sup>

May 16. 1642.

Wee whose names are hereunto annexed, although the meanest members of this great Common Wealth; yet having by birth a right of substance, here conceive our selves, (in our proportion) to have as well an Interest in the Kingdomes enjoyments, as those who in respect of place or other accidents are above us: As also many of us, having under the direction of your Honourable grave Counsell and Guidance, freely adventured our lives, for the Preservation of our Native Rights, and the just Priviledges of our deare Country against the publique violaters of the

the same: upon these and other serious grounds, we are bold at this time to make our humble addresses to this Honourable and supreme Court of Judicature, (the only refuge under God we have to fly to) And in the first place we cannot but with all thankfulness take notice of the unwearied paines, together with many great and almost intolerable difficulties by you undergone, in the faithfull discharge of your trust, in bringing about the Establishment of a well grounded peace. The perfection of which (in relation to the common enemy) seems now by the blessing of God to be brought neare to a wished period: yet the consummation of this work being (as it were) the Crown of all our labours; we humbly conceive it may deservedly challenge from you a more then ordinary respect, which we doubt not but that your grave wisdoms are very sensible of: yet (noble Senators) let it seeme no presumption, it were your poore Petitioners in all humility make knowne the grounds of some feares and jealousies to us apparent in this particular. And those are (amongst other great grievances) chiefly derived from the present sence we have of the too much prevalency of that party who have dealt in the late wars, declared themselves distressed to the peace, & welfare of the Kingdome; who now seeme to be in hopes of obtaining that by policy, which they have not been able to doe by force. Cunningly contriving to aggravate and increase differences between the well affected party, and striving to bring an *Odium* upon all good men, under the distinction of severall tearmes of oblique and disgrace, by such subtle endeavours, labouring to avert the edge of justice from themselves, (who come deservedly under the stroke of it, and to turne it upon those who are most innocent. Strongly endeavouring (and have already affected in part, to iustle all honest, faithfull, well affected men out of places of trust, office and authority, and to put in Newsters, Ambodexters, or persons apparently disaffected: By all these meanes, together with the advantage of the Kingdomes present unsettledness) they seeme to be in a more then probable expectation of getting the reins once more in their own hands, to the evident endangering, of the Common wealths speedy ruine, and to the great griefe of your poore Petitioners, and all others who cordially desire the peace and safety of this distracted Kingdome. And further we are bold to make knowne (as more particularly relating to the condition of your Petitioners) That whereas we as our being made free of the City, are injoynd by oath to maintaine the Liberties and Priviledges, of the same City; which notwithstanding we are in a great measure disabled to doe, by the intrusion of divers illegall and undue Customes and Monopolies, (partly about the election and removall of our Magistrates) crept into the diminution of the ancient Liberties of this famous City, whose just immunities we are confident your honours have been and are very tender of.

Wherefore your Petitioners humbly pray, that this Honourable house taking into consideration the Premises, would be pleased by your mature Prudence and Care, to endeavour (as much as possibly you can) to take away all occasions of breaches between the well affected party. And that such as have in these late times of trouble, (by adventuring their lives or otherwise) approved themselves faithfull to their Countrys common good, may without respect to differences, no way prejudiciall to the Common wealth, impartially enjoy their Birth right, Priviledges, and be equally capable with others of the freedom to officie in places of trust, which they are or shall be chosen unto. And on the contrary, that all those who have dishonoured themselves by Trayterously adhering to the enemy, may be disabled from bearing office, or voting in the Election of officers in the Common wealth, And we further crave, with submission to your Honours grave Approvements, that in regard of the Kingdomes present unsettledness, it may not be left destitute of a trusty and sufficient guard



to secure it from intestine Broyles, and forraign Invasion. And as for your Petitioners more particular grieuances, as they are members of this City; we humbly pray that you would be pleased by your Authority to provide, that we, as we are or shall be capable of it, may be enabled to enjoy the benefit of all ancient Charters and Grants, made and confirmed by severall Acts of Parliament, for the enlargement of our freedoms and Priviledges, and that whatsoever hath been illegally intruded, may be taken away and made void. And lastly, as some have already desired, we likewise pray, that, if so small a thing may be worthy the intension of this grave and Honourable Assembly, you would be pleased to appoint some times of lawfull Recreations for servants, as your wisdoms shall thinke fit.

And your Petitioners, as they have many of them already, according to their duty, freely adventured their lives, and whatsoever was deare to them for the common safety of their Country so they will professe their readinesse, to give their best assistance to the suppressing all arbitrary and tyrannicall power: and to the upholding the fundamentall Rights and Liberties of these borne Englishmen, and the just Priviledges of this Honourable House against all that shall set themselves, in opposition of the same.

*And be ever bound to pray, &c.*

Whatsoever is contained in the Petition, the Subscribers will be ready to make good by particular instances, when they shall be lawfully called to the same.

Courteous Reader, whereas the former Impression was done in hast, there was 3. or 3. words misprinted, which are here mended, you are desired by these to correct those that come to your hand.

*Die Lune 1 March. 1645.*

A petition being filed the humble petition of Divers Young men and Apprentices of the City of London was this day read, and it is ordered that Alderman *Atkyn*, Col. *Venn*, and Mr. *Pasfell*, doe from this Houle give the Petitioners thanks for the expression of their good affections, that they will take their Petition into consideration in convenient time, and as for that businesse concerning dayes of relaxation is already under consideration and Committed.

*Hen. Elfringe Cler. Par. Dom. Com.*

And to fill up the sheet I shall desire the judicious Reader seriously to peruse that excellent petition of *Ms. Lilburnes*, delivered to the House of Commons, the 23. Sept. 1645. and then judge both in point of law; and matter of fact, betwixt the Lords and her husband, the petition thus followeth.

**To the Chosen and betruisted Knights, Citizens, and Burgesses, assembled in the High and Supream Court of Parliament.**

The humble Petition of *Elizabeth Lilburne*, Wife to Lievt. Col. *Iohn Lilburne*, who hath been for above eleven weekes by past, most unjustly divorced from him, by the Houle of Lords, and their tyrannicall Officers, against the Law of God, and (as shee conceives) the Law of the Land

*Sheweth.*

a Coll. of decl. pag.  
164.336.382. 508,  
613.705.711. 716.  
211,714. 725, 726.

**T**HAT you only and alone, are chosen by the Commons of England to maintaine their *Lawes* and *Liberties*, and to doe them *Iustice* and *Right* a which you have often before God and the World *sworne* to doe & yes, and in divers of your *Declarations* declared, it is your duty (in regard of the



h<sup>39</sup>. 730. b coll.  
dec. p<sup>3</sup>. 361. 663.  
protestation and co-  
venant. c coll. decl.

p<sup>3</sup>. 81. 172. 263.  
266. 267. 340. 452.  
462. 487. 473. 588.  
690.

dcol. dec. p. 464.  
497. 750. c col. dec.  
p<sup>3</sup>. 214.

fcol. dec. p<sup>3</sup>. 666.  
g<sup>1</sup>. 2. 15. 16 17.  
hcol. dec. p<sup>3</sup>. 666.

673.

icol. dec. p. 264.  
281. 494. 697.

497. 544. 624. 696.

kcol. dec. p. 733.

845.

lp<sup>3</sup>. 663.

dec. 460 673.

n<sup>1</sup> M<sup>1</sup>ghta Charta 29.

Sir Ed. Cook 2. part

institutes fol. 28. 29.

46. Rot. 1. 14. Ed. 3.

n col. dec. 6. 7. 8.

infranchising many of those that your selves have declared *Traitors*, and *Enemies* to the

*Kingdome*, which is no small cause of sorrow to your *Petitioner*, and many others, that her

*Husband* who hath ventured his *life*, and all that he had in the *World*, in your lowest condi-

tion for you, should be so slighted and disregarded by you, as though you had forgot the duty

you owe to the *Kingdome*, and your many oathes, *vowes*, and *Declarations*, which neglect

hath hastned the almost utter ruine of your *Petitioner* her husband and small children: For the

*Lords* in a most *Tyrannicall* and *Barbarous* manner, (being incouraged by your neglect) have

since committed her husband, for about three weekes close *Prisoner* to *New-gate*, locked him

up in a little *Room*, without the use of *Pen*, *ink*, or *paper* for no other cause but for refusing

to kneel at the *Bar*, of those, that by *Law* are none of his *Judges*) in the cruel *Taunts* all that

time refusing, to let your *Petitioner*, or any of his friends, to set their feet over the threshold

of his *Chamber* dore, or to come into the *prison* yard to speake with him, or to deliver unto

his hands, either *meat*, *drink*, *money*, or any other necessaries, A most *barbarous* and *illegal*

*traveltie*! so much complained of by your selves in your *Petition* and *Remonstrance* to the *King*.

1. December 1641. n and detested and abhorred there, by you, as *actions* and *cruelties* being

more the proper issues of *Turkes*, *Pagans*, *Tyrants*, and men without any knowledge of *God*: then

of those that have the least *spark* of *Christianity*, *honour* or *Justice* in their breasts: And then

while they thus tyrannized over your *Petitioner*s *Husband*, they command (as your *Petiti-*

*oner* is informed) Mr. *Sergeant Finch*, Mr. *Herne*, Mr. *Haile*, Mr. *Glover*, to draw up a

charge against your *Petitioner*s *Husband*, without giving him the least notice in the world of

the trust reposed in you: to doe *c* without any private aimes, per-  
sonall respects, or passions whatsoever d and that you thinke no-  
thing too good to be hazarded, in the discharge of your consciences  
for the obtaining of these ends. e And that you will give up your  
selves to the uttermost of your power and judgement to maintaine  
trath, and conforme your selves to the will of *God*, f which is to doe  
*Justice* and *right*, and secure the persons, *States* and *Liberties* of all  
that joyned with you, h imprecating the *Judgements* of *Heaven* to fall  
upon you, when you decline from these ends, you judging it the  
greatest scandall that can be laid upon you, that you either doe or in-  
tend to subvert the *Laws*, *Liberties*, and *Freedomes* of the *People*, i  
which *Freedomes*, &c. you your selves call, the *COMMON BIRTH-*  
*RIGHT* OF *ENGLISH-MEN*, k who are borne equally free, and  
to whom the *Law* of the *Land* is an equall inheritance) and there-  
fore you confesse in your Declaration of 23. October 1641. l It is  
your duty to use your best indeavours, that the meanest of the *Com-*  
*monalty*, may enjoy their owne birth-right, *freedom* and *liberty* of the  
*Lives* of the *Land*, being equally (as you say) intituled thereunto  
with the greatest subiect. The knowledge of which as comming from  
your owne mouthes and pen, imboldeneth your *Petitioner* (with con-  
fidence) to make her humble addresse to you, and to put you in  
mind that her husband above two monethes agoe made his formall  
and legall *Appeal* to you against the *injustice*, and *usurpation* of the  
*Lords* acted upon him, which you received, read, committed, and  
promised him justice in, But as yet no report is made of his businesse,  
nor any reliefe or actuall Justice holden out unto him, although you  
have since found time to passe the *Compositions* and *pardons*, for the  
infranchising many of those that your selves have declared *Traitors*, and *Enemies* to the  
*Kingdome*, which is no small cause of sorrow to your *Petitioner*, and many others, that her  
*Husband* who hath ventured his *life*, and all that he had in the *World*, in your lowest condi-  
tion for you, should be so slighted and disregarded by you, as though you had forgot the duty  
you owe to the *Kingdome*, and your many oathes, *vowes*, and *Declarations*, which neglect  
hath hastned the almost utter ruine of your *Petitioner* her husband and small children: For the  
*Lords* in a most *Tyrannicall* and *Barbarous* manner, (being incouraged by your neglect) have  
since committed her husband, for about three weekes close *Prisoner* to *New-gate*, locked him  
up in a little *Room*, without the use of *Pen*, *ink*, or *paper* for no other cause but for refusing  
to kneel at the *Bar*, of those, that by *Law* are none of his *Judges*) in the cruel *Taunts* all that  
time refusing, to let your *Petitioner*, or any of his friends, to set their feet over the threshold  
of his *Chamber* dore, or to come into the *prison* yard to speake with him, or to deliver unto  
his hands, either *meat*, *drink*, *money*, or any other necessaries, A most *barbarous* and *illegal*  
*traveltie*! so much complained of by your selves in your *Petition* and *Remonstrance* to the *King*.  
1. December 1641. n and detested and abhorred there, by you, as *actions* and *cruelties* being  
more the proper issues of *Turkes*, *Pagans*, *Tyrants*, and men without any knowledge of *God*: then  
of those that have the least *spark* of *Christianity*, *honour* or *Justice* in their breasts: And then  
while they thus tyrannized over your *Petitioner*s *Husband*, they command (as your *Petiti-*  
*oner* is informed) Mr. *Sergeant Finch*, Mr. *Herne*, Mr. *Haile*, Mr. *Glover*, to draw up a  
charge against your *Petitioner*s *Husband*, without giving him the least notice in the world of

it, to fit himselfe against the day of his Tryall, but contrary to all law, justice and conscience, dealt worke with him then ever the Star-Chamber did, not only in keeping his *L. Myer* from him, but even all manner of *Cousellers* and *Friends*, whatsoever, even at that time when they were about to try him, and then of a sudden sent a warrant for him to come to their *Bar*, (who had no legall authority over him) to heare his Charge read, where he found the *Earle of Manchester* his professed Enemy, and the only party (of a Lord) concerned in the businesse, to be his chiefe Judge, contrary to that just Maxim of Law, that no man ought to be both party and Judge, A practice which the *Star Chamber* it selfe, in the dayes of its r. army, did blush at, and refuse to practise, as was often seen in the *Lord Overburies case* &c.) And without any regard to the *Earle of Manchesters impeachment* (in your House) of Treachery to his Country, by Lieut. Gen. *Cromwell*, which is commonly reported to be punctually and fully proved, and a Charge of a higher nature then the *Earle of Straffords*, for which he lost his head. And which also renders him (so long as he stand, so impeached) incapable, in any sense, of being a Judge. And a great wrong and injustice it is, unto the Kingdom, to permit him, and to himselfe, if innocent not to have had a legall tryall ere this, to his justification or condemnation. And besides all this, because your *Petitioners husband* stood to his appeal, to your honours, and would not betray *Englands Liberties*, which you have all of you sworne to preserve, maintain and defend, they most arbitrarily, illegally and tyrannically sentenced your *Petitioners* said Husband to pay 4000 l. to the King (not to the State) for ever to be incapable to beare any office in Church or common wealth, either Marshall or civil, and to ly seven years a prisoner in the extraordinary chargeable prison of the Tower, where he is in many particulars, as illegally dealt withall, as he was when he was in *Newgate*.

Now forasmuch as the Lords as they claime themselves to be a House of Peers, have no legall judgement about Commoners, that your Petitioner can heare of, but what is expressed in the Statute of the 14. Ed. 2. which are, *de vires of iustice, or error in judgement in inferior Courts only*, and that with such limitations, and qualifications, as are there expressed, which are, that *there sh. libe one Bishop at least, in the judgement, and an expresse Commission from the King for their meddling with ir.* All which was wanting in the case of your *Petitioners Husband*, being begun and ended by themselves alone, and also seeing that by the 29. chap. of *Magna Charta* your *Petitioners Husband*, or any other Commoner whatsoever, in criminal cases are not to be tryed otherwise then by their Peers, which *Sir Edward Cooke*, in his *Exposition of Magna Charta*, which book is printed by your owne speciall authority, faith, *is meant Equals, folio 28.* In which, faith he, *fol 29.* are comprised Knights, Esquires, Gentlemen, Citizens, Yeomen, and Burgeiss of severall degrees, but no Lords. And in pag 46. he faith No man shall be disfeised, that is, put out of his son, or dispossessed of his freehold, that is, faith he, Lands or lively hoods, or of his liberties or free customs, that is, of such franchises, and freedoms, and free customes, as belong to him, by his free birth-right, unless it be by the lawfull judgement, that is verdict of his Equals, that is, faith hee, of men of his owne condition: Or by the Law of the land, that is to speake once for all, by the due course and processe of Law. And faith hee, No man shall be in any sort destroyed, unless it be by the verdict and judgement of his Peers, that is Equals, or by the law of the land. And the Lords themselves in old time, did truly confesse: that for them to give judgement of a Commoner in a criminal case, is contrary to Law, as is cleere by the Parliaments Record in the case of *Sir Simon de Brethford* 4. Ed. 3. Rot. 2, the Copie of which is now in the hands of Mr. *Henry Martin*, and they there record it, that his case who was condemned by them for murdering King *Edward 2.* shall not be drawne in future time into president because it was contrary to Law, they being not his Peers, that is his Equals. And forasmuch as the manner of their proceedings was contrary to all the formall wayes of the Law publicly established by Parliaments in

95. Ed. 3. 9. 25. Ed.  
 3. 4. 18. Ed. 3. 3.  
 37. Ed. 3. 8. 38. Ed.  
 3. 9. 42. Ed. 3. 3. 17.  
 R. 1. 6. Rot. par. 43.  
 Ed. 3. Sir 10. A. 22.  
 case, Num. 21. 2. 23.  
 &c. Lib. 10. fol. 74.  
 in case de la. marshal  
 sea, see Cook. 2. part  
 inst. fol. 46.  
 p. 2. part inst. 4.  
 \* Rot. Par. 2. 1. H. 4.  
 Mem. 2. Num. 1. 27.  
 2. part inst. fol. 51.  
 4. part inst. fol. 41.  
 book de cl. 38. 39. 77.  
 201. 277. 278. 458.  
 459. 660. 845.  
 g. 2. part inst. fol. 53.  
 56.  
 r. col. dec. p. 723.  
 s. See Cook. 2. part.  
 inst. fol. 187.  
 7. 3. Ed. 2. 3. 37. E.  
 3. 18. 38. Ed. 2. 9.  
 2. R. 2. 5. 17. R. 5. 6.  
 2. P. and M. 3. 1.  
 Eliz. 6.  
 49. H. 2. 29. 2. 2. E.  
 2. 8. 5. E. 3. 9. 14.  
 E. 3. 14. 1. E. 2. 10.  
 book dec. 1. part.  
 127. 174. 244. 253.  
 282. 284. 285.  
 312. 313. 321. 322.  
 467. 490. 544. 516.  
 520. 521. 532. 533.  
 534. 535. 537.  
 539. 541. 543. 555.  
 560.

this Kingdome, as appears by severall Statutes which expressly say, that  
 none shall be imprisoned nor put out of his freehold, nor of his franchises  
 nor free customs, unless it be by the Law of the land, and that none shall  
 be taken by Petition or Suggestion made to the King, or to his Council,  
 unless it be by indictment, or presentment of good and lawful people of  
 the same neighbourhood where such deeds be done, in due manner, or by  
 process made, by writ originall at the common law, Which Statutes are  
 Nominally and expressly confirmed by the Petition of Right, by the act  
 made this present Parliament for the abolishing the Star-chamber, and  
 thereby all acts repealed that formerly were made in derogation of them.  
 But contrary hereto the lords (like these wicked Iustices spoken of by  
 St. Edward Cooke, in stead of trying her Husband by the Law of the Land,  
 proceed against him by a private way, flowing from their Arbitrary will,  
 pleasure, and discretion. For though they summoned him up to their Bar,  
 Jan. 10. 1646. to answer a charge, yet they refused to shew it him, or give  
 him a Copy of it, but committed him to Newgate June 11. 1646. (al-  
 though he behaved himself then, with respect towards them, both in word  
 and gesture, meekly for refusing to answer to their Spanish Inquisition-like  
 Interrogatories, and for delivering his legal Protection. Their Merits  
 being illegall as their summoning of him, and their other proceedings  
 with him. This Commitment unjust. To be kept there not till he be  
 delivered by due course of Law, but During their pleasure, which Sir E-  
 dward Cooke such is illegall, and then locked up close, that so he might be  
 in an impossibility to understand how they intended to proceed against  
 him.

Wherefore your Petitioner humbly prayeth to grant unto her husband the  
 benefit of the Law, and to admit him to your Bar himself, to plead his owne  
 cause, if you be not satisfied in the manner of his proceedings, or else ac-  
 cording to law, justice, and that duty and obligation that lieth upon you,  
 forthwith to release him from his unjust imprisonment, and to restrain and  
 prohibit the illegall and arbitrary proceedings of the lords, according to  
 that sufficient power instated upon you, for the inhibing you faithfully to  
 discharge the trust reposed in you, and to vacate this his illegall sentence  
 and fine, and to give him just and honorable reparations from the Lords  
 and all those that have unjustly executed their unjust command; it being  
 a rule in Law and a maxime made use of by your selves in your declaration  
 2. 1642. v. that the Kings illegall commands, though accompanied with  
 his presence doe not excuse those that obey them, much less the Lords, with  
 which the Law accordeth: and so was resolved by the Judges, 16. H. n. 6.  
 s. And that you will legally and iudicially, examine the crimes of the Earle of  
 Manchester, and Col King, which your petitioners husband and others  
 have so often complained to you off, and doe exemplary iustice upon them,  
 according to their deserts, or else according to law, and iustice punish those  
 (if any) that have falsely complained of them. And that you would without further delay give us  
 reliefe by doing us iustice, in all which the rather desir'd because his imprisonment in the  
 Tower is extraordinary chargeable and insupportable, Although by night, and the custome of that  
 place, his fees, chamber, & diet ought to be allowed him & paid out of the treasure of the Crown, he  
 having

having wasted and spent himselfe with almost six yeares attendance, and expectation upon your honours for justice and reparations against his barbarous sentence, &c. of the Star-Chamber, to his extraordinary charge and dammage, and yet never received a penny, and also lost divers hundreds of pounds, the yeare he was a prisoner in *Oxford* Castle for you, neither can he receive his Arrears (the price of his blood) for his faithfull service with the Earle of *Manchester* although he spent with him, much of his owne money. And the last yeare, by the unadvised meanes of some Members of this honourable House was committed prisoner for above 3. moneths, to his extraordinary charges and expenses; and yet in conclusion, he was releast, and to this day knoweth not wherefore he was imprisoned, for which according to law and justice he ought to receive reparations, but he never yet had a penny, all which particulars being considered, doe render the condition of your petitioner, her husband and children to be very nigh ruine and destruction, unlesse your speedy and long expected justice prevent the same, which your Petitioner doth earnestly intreat at your hands as her wright, and that which in equity honour and conscience cannot be denied her.

And as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled timely and faithfullly to discharge the duty you owe to to the Kingdome according to the great trust reposed in you, and so free your selves from giving cause to be judged men that sicke your selves more then the publique good.

Elizabeth Lilburn.

And to close up all, I shall desire the Reader to take a view of the particular ordinary fees that every compounder payes for the suing out his pardon. First, the ordinance is to be presented by the Chair-man of Goldsmiths hall committee of the House of Commons and there to be read, for passing of which these exorbitant fees are to be paid. To the Speaker of the House of Com. 5. l. to Mr. Hen. Elsing Clerk of the House of Com. 2. l. to the Sergeant at Armes, of the House of Com. 1. l. 10. s. to the inferior Clerks of Mr. Elsings office 10. s. to the Sergeants Clerke 5. s. and to other officers there 5. s. To the Clerk of the Lords House, and Gentleman Vicer of the black Rod, &c. 12. l. To Mr. Soliciter, St. Iohn of the Commissioners of the Great Seale 14. l. the total of which is 35. l. 10. s. and it hath been credibly reported that above a yeare agoe there was above threescore 1000. Delinquents had entered their names for composition at Goldsmiths hall, of whom if there be twenty thousand that hath actually compounded, or intends to doe it, the very fees of them comes to above 700000. l. which goes into the forementioned officers pockets, the Speakers share at 5. l. a man, is 100000. l. and Mr. Solicitors, St. Iohns at five l. a man as much, surely if such large fleeces of Money can be put into particular pockets, England shall not be free of Delinquents enough, principally so made, to make particular men rich. But besides all this, the Speakers place as Speaker, and Mr. of the Rowles, and halfe Keeper of the Great Seale, it not easily to be computed, of whom, &c. it may truly be said they have not lesse then the annuall revenue of petty princes, and therefore it becomes them to keep the people in bondage, least they should overthrow their unadvisable, unjust gettings

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